

E-FILED 7/7/2009

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

No. C07-03798 JW (HRL)

Plaintiff,

**ORDER RE DEFENDANT'S MOTION
FOR ENTRY OF PROTECTIVE ORDER**

KENNETH L. SCHROEDER,

[Re: Docket No. 141]

Defendant.

III-A. The Government ("HIA") and the Plaintiff ("Plaintiff") are the same. See, *id.* at 8-9, 10-11, 13-14, 16-17, 20-21, 23-24, 26-27, 30-31, 34-35, 38-39, 42-43, 46-47, 50-51, 54-55, 58-59, 62-63, 66-67, 70-71, 74-75, 78-79, 82-83, 86-87, 90-91, 94-95, 98-99, 102-103, 106-107, 110-111, 114-115, 118-119, 122-123, 126-127, 130-131, 134-135, 138-139, 142-143, 146-147, 150-151, 154-155, 158-159, 162-163, 166-167, 170-171, 174-175, 178-179, 182-183, 186-187, 190-191, 194-195, 198-199, 202-203, 206-207, 210-211, 214-215, 218-219, 222-223, 226-227, 230-231, 234-235, 238-239, 242-243, 246-247, 250-251, 254-255, 258-259, 262-263, 266-267, 270-271, 274-275, 278-279, 282-283, 286-287, 290-291, 294-295, 298-299, 302-303, 306-307, 310-311, 314-315, 318-319, 322-323, 326-327, 330-331, 334-335, 338-339, 342-343, 346-347, 350-351, 354-355, 358-359, 362-363, 366-367, 370-371, 374-375, 378-379, 382-383, 386-387, 390-391, 394-395, 398-399, 402-403, 406-407, 410-411, 414-415, 418-419, 422-423, 426-427, 430-431, 434-435, 438-439, 442-443, 446-447, 450-451, 454-455, 458-459, 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were directed to meet and confer for the purpose of entering into a protective order governing

the treatment of confidential information. They were unable to reach agreement as to certain

terms. Before the court is Schroeder's proposed form of order, on the one hand, and the SEC's

proposed form of order (agreed to by KLA and Skadden) on the other. Having considered the

moving and responding papers, as well as the parties' respective proposals, this court rules as follows:

follows:

With respect to Paragraph 3, this court will adopt the SEC's proposed language.

However, this ruling is without prejudice to Schroeder to seek modification of the provi

order with respect to specific discovery he desires for use in other identified litigation.

United States District Court

For the Northern District of California

1 the depositions of witnesses it does not represent. The papers presented indicate that this is
2 primarily a dispute between Schroeder and KLA. This court sees no reason why KLA should
3 be entirely barred from attending depositions where the company's interests might be
4 implicated. Accordingly, the court will adopt the language proposed by the SEC. However,
5 this ruling is without prejudice to Schroeder to seek a protective order precluding KLA from
6 attending a specific deposition. Additionally, KLA is reminded of its prior representation to
7 this court that it would permit Schroeder to obtain discovery *without* objections as to privilege
8 or work product.

9 Finally, in the event Schroeder challenges a confidentiality designation, the parties
10 disagree whether he should be ordered to establish – at the outset – that he is not seeking
11 reconsideration of prior court rulings. Inasmuch as this court did not make definitive rulings as
12 to the claimed confidentiality (or not) of specific documents, it finds that defendant's proposed
13 language is appropriate and adequately addresses the SEC's (and KLA's and Skadden's) stated
14 concerns. Accordingly, defendant's proposed language will be adopted.

15 A protective order will be entered separately.

16 SO ORDERED.

17 Dated: July 7, 2009



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19 HOWARD R. LLOYD
20 UNITED STATES MAGISTRATE JUDGE
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United States District Court

For the Northern District of California

5:07-cv-03798-JW Notice has been electronically mailed to:

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